

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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In Re:

Chapter 11

**CHAMPION MOTOR GROUP, INC.,**

Case no. 08-09-71979 (AST)

Debtor.

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**ORDER SHORTENING TIME PERIOD FOR NOTICE,  
LIMITING NOTICE, SETTING EXPEDITED HEARING,  
AND ESTABLISHING PROCEDURES FOR HEARING**

Upon the Debtor's Application dated July 22, 2009 (the "Application"), seeking the entry of an Order Shortening the Time Period for Notice, Limiting Notice and Setting an Expedited Hearing pursuant to Federal Rule of Bankruptcy Procedure 9006(c)(1) and 2002(a) with respect to the Debtor's Motion to Approve a Compromise pursuant to Bankruptcy Rule 9019(a) and approving a Stipulation voluntarily dismissing the adversary proceeding commenced by the Debtor against Manufacturers and Traders Trust Company ("M&T") with prejudice under Federal Rule of Bankruptcy Procedure 7041(the "Motion"), and the Debtor having demonstrated sufficient cause for the relief set forth herein; and no further notice of Application being required under the circumstances,

NOW, on motion of ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK P.C., attorneys for the Debtor, it is

**ORDERED**, that the time period for a hearing on the Motion is hereby reduced for cause shown pursuant to Fed. R. Bankr. P. 9006(c) (2); and it is further

**ORDERED**, that a hearing on the Motion shall be held on **August 3, 2009 at**

**2:00 p.m.** before the undersigned Bankruptcy Judge, at the United States Bankruptcy Court, 290 Federal Plaza, Court Room 960, Central Islip, New York 11722 and it is further

**ORDERED**, that by **6:00 p.m. EST on July 23, 2009**, true copies of this Order, the Application and the Motion, shall be served by the Debtor by **email or telecopy** upon (i) attorneys for Manufacturers Traders and Trust Company, David W. Wiltenburg, Esq., Hughes Hubbard & Reed, One Battery Park Plaza, New York, New York, (ii) attorneys for Champion Funding, LLC., Michael Fox, Esq., Olshan, Grundman Frome, Rosenzweig & Wolosky, LLP, 65 East 55<sup>th</sup> Street, New York, New York 10022; (iii) Office of the United States Trustee for the Eastern District of New York, 290 Federal Plaza, Central Islip, New York 11722, Attention: Stan Yang, Esq (iv) attorneys for AFP Seventeen Corp, Edward LoBello, Esq., Meyer, Suozzi, English & Klein, P.C. 990 Stewart Avenue, Suite 300 ,Garden City, New York 11530-9194 (v) attorneys for John Marciano, Janice B. Grubin Esq., Drinker Biddle & Reath LLP, 140 Broadway, 39<sup>TH</sup> Floor New York, NY 10005-1116 (vi) Attorneys For Bentley Motors, Janice Alwin, Esq, Barack Ferrazzano Kirschbaum & Nagelberg LLP, 200 West Madison Street Suite 3900 Chicago, IL 60606, and (vii) upon all entities which have filed a Notice of Appearance in this case; Debtor shall also serve that true copies of this Order, the Application and the Motion **by overnight delivery** upon the Debtor's twenty largest unsecured creditors as set forth in the Debtor's schedules,; and it is further

**ORDERED**, that objections to the Debtor's Application pursuant to Bankruptcy Rule 9019 and 7041, shall be filed with the Court and served so that it is received by counsel to the Debtor, Robinson Brog Leinwand Greene Genovese & Gluck P.C., 1345

Avenue of the Americas, 31<sup>st</sup> Floor, New York, New York 10105, Attn: Robert R.

Leinwand, Esq, no later than **July 30, 2009 at 6:00 p.m.** ; and it is further

**ORDERED**, that the following procedures shall apply for the Hearing on the Motion:

**Hearing Dates, Places, and Time Limits:**

1. The hearing on the Motion shall be held on **August 3, 2009, at 2:00 p.m.** at the **United States Bankruptcy Court, Court Room 960, Eastern District of New York, 290 Federal Plaza, Central Islip, New York 11722.**

2. The parties are provided the following time allocations to present all argument and evidence at the hearing, and in the following order of presentation:

**Sixty (60) Minutes** total to present argument and evidence for Debtor – a portion of this time may be reserved for rebuttal.

**Sixty (60) Minutes** total to present argument and evidence for all parties who file objections to the Motion.

**Fifteen (15) minutes** total for the Office of the United States Trustee for argument and evidence.

**Direct Testimony by Affidavit**

3. Debtor and all parties who have file Objections shall submit any direct testimony from themselves and any witness under their control (including experts) by Affidavit signed by the witness(es). Affidavits shall be filed with the Court by Debtor no later than **July 28, 2009, at 6:00 p.m.**; Affidavits shall be filed with the Court by all parties who file Objections no later than **July 30, 2009, at 6:00 p.m.** Copies of the filed Affidavits shall be served upon the opposing party (or parties) by facsimile or electronic mail simultaneously with the filing of same with the Court. Any witness for whom an Affidavit of direct testimony has been filed must appear at the trial for cross-examination.

Any objection to any portion of a witness affidavit, including evidentiary objections, shall be filed and served no later than **August 3, 2009, at 8:30 a.m.**

Nothing contained herein, however, shall limit the applicability of Rule 7032 of the Federal Rules of Bankruptcy Procedure.

**Pre-hearing Submissions:**

4. Debtor and all parties filing Objections are ordered to file by **July 31, 2009, at 4:00 p.m.**, a Pre-hearing Memorandum, which shall set forth the following:

(A) The name, address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

(B) A list of witnesses whose testimony is expected to be presented by means of a deposition and, if taken stenographically, a transcript of the pertinent portions of the deposition testimony.

(C) A list of witnesses intended to be called as experts along with a summary of their qualifications.

(D) An appropriate identification (pre-numeration) of each document or other exhibit, other than those to be used for impeachment or rebuttal, in the sequence in which they will be offered. All timely filed Affidavits of direct testimony shall be marked and shall be included in the exhibit books to be presented to the Court. Parties shall designate and deliver exhibits as set forth in paragraph 5 below.

(E) A statement confirming that the parties have exchanged copies of the exhibits, other than those to be used for impeachment or rebuttal, no later than **July 31, 2009, at noon.**


5. Debtor and all parties filing Objections shall provide one (1) original and one (1) additional set of exhibits to Chambers, as well as a flash drive or CD rom containing the exhibits or an additional hard copy set, by **July 31, 2009, at 4:00 p.m.** Exhibits shall be assembled in notebooks tabbed with appropriate exhibit numbers or letters (Debtor shall designate their exhibits using consecutive numbers; parties filing objections shall designate their exhibits using consecutive letters).

**Sanctions for Noncompliance:**

6. Failure to strictly comply with any of the provisions of this Order may result in the automatic entry of a dismissal, sanctions, a default, or other relief as the circumstances warrant, in accordance with Federal Rule of Civil Procedure 16, as incorporated by Federal Rules of Bankruptcy Procedure 7016 and 9014.

Dated: July 23, 2009  
Central Islip, New York



  
Alan S. Trust  
United States Bankruptcy Judge